

REMARKS

Applicants' attorney thanks the Examiner for her comments. Claims 1, 17, 30, and 41-43 have been amended to recite the differential swelling forms a pocket-like shape to collect bodily solids and fluids, as supported on page 10, lines 25-32.

Applicants' invention uses differential swelling forces between surfaces to form or shape the absorbent structure in a cup-like, bucket-like, pocket-like, trough-like structure, hollow space or cavity to receive bodily discharges. The first surface does not expand as much as the second surface so the first surface constrains the second surface resulting in the desired concavity and shape.

Telephone Interview Summary

Applicant's Attorney, John Poliak, thanks Examiner Hand for her comments and courtesies extended during the 18 July 2007 telephone interview in the subject case. The rejections of 04 June 2007 Office Action and a proposed claim amendment were discussed.

Carlucci discloses a three dimensional absorbent core that expands towards the wearer. Applicants' absorbent core utilizes differential expansion forces to form a cavity to receive discharges.

Applicants proposed reciting a cavity-shape in the independent claims. The Examiner suggested positively reciting a pocket-like shape as supported in the specification. Agreement was reached that the pocket-like shape limitation patentably distinguishes Carlucci. Applicants thanked the Examiner for her time.

Claim Rejection Based on 35 U.S.C. § 102 and 103

The rejection of Claims 1, 3, 7-15, 17-22 and 24-43 based on 35 U.S.C. § 102(b) or in the alternative based on 35 U.S.C. § 103(a) as being anticipated by or obvious over Carlucci, EP 0804915, is respectfully traversed.

Applicants have amended Claims 1, 17, 30 and 41-43 to recite a pocket-like shape to collect bodily fluids. This pocket-like shape is advantageous that it can hold gushes or rapid discharges of bodily exudates and/or fluid insults until absorbed by the absorbent materials or core. This shape also aids in fit and leak prevention.

In contrast Carlucci discloses a sanitary napkin with an expanding layer that is not hollow and actually expands towards the wearer. (See Figs. 3 and 6).

Said expansion preferably takes place in a direction that goes from the garment facing surface **towards the body facing surface** of the sanitary napkin 20. Particularly preferred are tridimensional structures with a **convex upward configuration** that are inclusive of, but not limited to, inverted U-shapes or inverted V-shapes. With these configurations the cross-sectional contour of the central portion of the sanitary napkin more closely matches the labia of the typical wearer. (Column 6, lines 38-46, emphasis added).

Nowhere does Carlucci teach or suggest a concave hollow pocket-like shape or cavity. Carlucci is silent with respect to curve, hollow, pocket, concave and concavity.

Carlucci actually teaches away from Applicants' invention. Carlucci does not restrain the expanding layer. "The expanding topsheet 24 also provides a comfortable contact with the user's anatomy, **without restraining the expansion** of the sanitary napkin 20 into the desired tridimensional structure upon activation by body fluids." (Column 12, lines 24-28, emphasis added). In contrast, Applicants' first layer constrains expansion of the second layer to result in the desired concavity. One skilled in the art, would not have a suggestion or a motivation to modify Carlucci to arrive at Applicants' invention constraining expansion of the second layer (See page 13, lines 11-26) since Carlucci seeks to, "follow the topography of the anatomy . . . of the female user." (Column 8, lines 54-57).

Anticipation requires that the cited reference disclose each and every limitation of Applicants' claimed invention. In this case, Carlucci does not disclose Applicants' cavity-shape. Similarly, the *prima facie* case for obviousness requires disclosure of all limitations. In this case, Carlucci does not teach or suggest Applicants' cavity-shape.

For at least the reasons discussed above, Applicants' invention is patentably distinguished from or not obvious over Carlucci. Accordingly, this claim rejection should be withdrawn.

Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issues, then Applicants' attorney requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,

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